

Election Procedures Review
Of
Yakima County
State of Washington
2005 Primary Election



Conducted by the
Office of the Secretary of State
Election Certification and Training Program



Introduction

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2005, the Legislature expanded the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every three years.

The election review process is governed by RCW 29A.04.510 through 29A.04.590 and Chapter 434-260 of the Washington Administrative Code. Reviews are conducted at regular intervals in conjunction with a county primary, special or general election, at the direction of the Secretary of State.

Pursuant to RCW 29A.04.570(1)(b), the Election Certification and Training Program conducted an election review in Yakima County during the 2005 Primary Election cycle. Tracy Buckles, Program Coordinator, represented the Election Certification and Training Program during the review. Corky Mattingly, Yakima County Auditor, Lynda Sissom, Diana Soules and other members of the staff participated on behalf of the Yakima County Auditor's Office.

Yakima County allowed the reviewer to thoroughly review and examine all aspects of the election processes. The county provided documentation and materials during the review which greatly contributed to a successful examination process.

Both the reviewer and the Yakima County Auditor's Office approached the review in a spirit of cooperation. The State commends the Yakima County Auditor's Office for its organization and preparation in making the review process a positive and useful experience.

Contents of this report are based on observations of election practices and procedures and on interviews with county election personnel. The reviewer obtained information based on the actual observation of a particular procedure, based on verbal explanation or written procedures. In all cases, the predominant concern is whether or not the county's actions constitute compliance with the intent of statutes and rules.

The purpose of this review report is to provide the Yakima County Auditor's Office with a useful evaluation of its election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes a series of recommendations and/or suggestions that are intended to assist Yakima County in improving and enhancing its election processes.

The reviewer is statutorily prohibited from making any evaluation, finding, or recommendation regarding the validity of any primary or election or of any canvass of the election returns. Consequently, this review report should not be interpreted as affecting, in any way, the validity of the outcome of any election or of any canvass of election returns.

Table of Contents

Section 1

Overview and Recommendations Page 1

Section 2

Response from the County Canvassing Board Page 4

Section 3

Conclusion Page 6

Section 1

Overview and Recommendations

In the course of this review, the reviewer observed pre-election tasks, election procedures, post-election procedures, canvassing, and certification of the election. The County Auditor or election staff verbally explained some tasks the reviewer was unable to observe, and the reviewer relied on written procedures for some tasks.

Yakima County has excellent election procedures. The staff is knowledgeable and dedicated. It was apparent to the reviewer that a large part of their success is due to their ability to work as a team. They have a very good understanding of the requirements and pay great attention to detail. The reviewer was impressed with their commitment to the integrity of the election process.

Yakima County's procedures for ballot tracking and reconciliation procedures are excellent. The County voted all by mail for this Primary except for one city. The Auditor's Office thoroughly reconciled the mail ballots every day and diligently investigated and resolved any discrepancies.

Yakima County's ballot security procedures were very good. The Auditor's Office employed the use of numbered seals and seal logs in all aspects of the election process. Those procedures may be further enhanced by adding a numbered seal to the drop off box at the Auditor's Office.

The following recommendations should improve and enhance Yakima County's already excellent election policies and procedures.

Review Recommendations

1. Format and procedures for sending confirmation notices

At the request of a family member, the Yakima County Auditor's Office places a voter on in-active status because the voter is incapacitated. The Auditor's Office places the voter on inactive status and sends the voter a confirmation notice.

RCW 29A.08.620 states:

“(1) A county auditor shall assign a registered voter to inactive status and shall send the voter a confirmation notice if any of the following documents are returned by the postal service as undeliverable:

- (a) An acknowledgement of registration;
- (b) An acknowledgement of transfer to a new address;
- (c) A vote-by-mail ballot, absentee ballot, or application for a ballot;
- (d) Notification to a voter after precinct reassignment;
- (e) Notification to serve on jury duty; or
- (f) Any other document other than a confirmation notice, required by statute, to be mailed by the county auditor to the voter.

(2) A county auditor shall also assign a registered voter to inactive status and shall send the voter a confirmation notice:

(a) Whenever change of address information received from the department of licensing under RCW 29A.08.350, or by any other agency designated to provide voter registration services under RCW 29A.08.310, indicates that the voter has moved to an address outside the county; or

(b) If the auditor receives postal change of address information under RCW 29A.08.605, indicating the voter has moved out of the county.”

Recommendation: Since placing a voter on inactive status based on a family member's request does not meet any of the requirements in the RCW listed above, the Auditor's Office should change its procedures. The reviewer suggests sending the voter a cancellation card with instructions to make a mark on the card and have it witnessed by two people verifying that the voter wishes to cancel his or her voter registration.

2. Questionnaires to cities, towns and districts

Yakima County correctly sends a questionnaire to all of the cities, towns and districts in the county to obtain information necessary for candidate filing. The questionnaire lists the current information regarding incumbents, terms of office, positions, and filing fees, and asks the district to either confirm that the information is correct or provide the correct information.

WAC 434-215-005 requires, in part, “The questionnaire should request, as a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, the annual salary for the position at the time of the filing period, and the statutory reference for candidate eligibility.”

Recommendation: Yakima County’s questionnaire generally meets the intent of the law, however, the questionnaire should ask the district to verify the annual salary at the time of the filing period, rather than ask the district to confirm the filing fee.

3. Ballot Security

Yakima County placed a metal ballot box on the counter in the Auditor’s Office for voters to deliver their mail ballots rather than post them in the mail. The box was secured with a padlock.

RCW 29A.40.110 indicates, in part, “(2) All received absentee return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening.”

WAC 434-250-110 describes secure storage as follows, “Secure storage must employ the use of numbered seals and logs, or other security measures which will detect any inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel.”

Recommendation: The Auditor’s Office should employ the use of a numbered seal on the ballot box in the office. Auditor’s Office staff should record the seal number and document access to the ballot box.

4. Special Absentee Ballots

Yakima County has an application for special absentee ballots. The application includes an oath that states, “_____ hereby declare, under penalties of perjury, that I am a citizen of the United States; that I will be at least 18 years of age on the day of the election; and that I am not presently denied my civil rights as a result of being convicted of a felony. Further, that I am qualified to vote as indicated below.”

RCW 29A.40.050 states, “An auditor shall provide a special absentee ballot only to a registered voter who completes an application stating that she or he will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.”

Recommendation: Yakima County should update the application for special absentee ballots to include the statement in the RCW above.

Section 2

County's Response to Draft Review Report

The Election Certification and Training Program issued a draft review report to the Yakima County Canvassing Board in December 2005. In accordance with WAC 434-260-145, we provided Yakima County with a 10-day period in which to respond, in writing, to recommendations listed in the draft report.

The Yakima County Canvassing Board provided the following response to the draft review report. The signed original of their response is on file in the Office of the Secretary of State.

Yakima County Auditor

Corky Mattingly, Auditor
Lynda Sissom, Assistant Auditor

December 9, 2005

Tracy Buckles
Elections Program Coordinator
PO Box 40237
Olympia, WA 98504

Tracy,

Following are our responses to the recommendations made in the review of Yakima County Elections done in August and September of 2005. We have already implemented all the changes that were suggested in the review.

Recommendation 1:

Yakima County has placed all voters back on "active" status that had a reason code of "123 - Unable to Vote per Family". Yakima County has changed the procedure dealing with requests to remove an incapacitated voter from our files. When a family member calls we send a letter explaining the laws regarding cancellation of a voter registration and a cancellation form for the voter to sign or mark with witness verification instructions.

Recommendation 2:

Yakima County will change the special district questionnaire to request the annual salary of the position rather than have the district verify or confirm the past filing fee.

Recommendation 3:

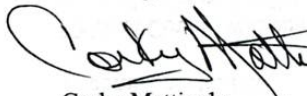
As of the November 8, 2005 General Election, Yakima County now uses a log and seal along with the lock system for our ballot drop box.

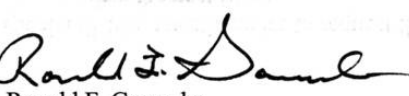
Recommendation 4:

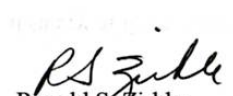
Yakima County has updated the "Special Mail Ballot" application to include the required statement.

We appreciate your time in doing this review and thank you for recognizing our successful election operation.

Sincerely,


Corky Mattingly
Yakima County Auditor


Ronald F. Gamache
Chairman, Board of County Commissioners


Ronald S. Zirkle
Prosecuting Attorney

128 North Second Street • Room 117 • Yakima, Washington 98901 • (509) 574-1400 • FAX (509) 574-1341

Accounting
574-1310

Administration
574-1402

Elections
574-1340

License
574-1370

Payroll
574-1392

Recording
574-1330

Section 3

Conclusion

The reviewer commends Yakima County Auditor's Office for its election procedures. The attention to detail, organization, and dedication to the election process was evident in every area.

While Yakima County has excellent procedures and the staff are conscientious about ballot security procedures in all other areas, they will enhance their security by adding a numbered seal and documenting access to the ballot deposit box in the Auditor's Office.

In addition, some minor changes to forms and/or applications, and a change in processing inactive voters will bring Yakima County in compliance with all 67 tasks that were reviewed.

The reviewer made a series of recommendations for consideration by the Yakima County Auditor and County Canvassing Board. These are meant to enhance and improve Yakima County's procedures. None of the recommendations in this report would in any way affect the integrity of the election. The Office of the Secretary of State is available for any additional assistance the County Auditor may request.

Review Report Prepared by:

December 30, 2005

Tracy Buckles

Election Program Coordinator
Office of the Secretary of State

